

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

DALE HARTKEMEYER (AKA SEIGEN)

Plaintiff,

v.

Case No. 2:20-cv-00336-JMS-DLP

WILLIAM P. BARR, in his official
capacity as the Attorney General of the
United States; MICHAEL CARVAJAL, in
his official capacity as the Director of the
Federal Bureau of Prisons; and T.J.
WATSON, in his official capacity as
Complex Warden for Terre Haute Federal
Correctional Complex,

Defendants.

SUPPLEMENTAL DECLARATION OF ELIZABETH VARTKESSIAN, PH.D.

I, Elizabeth Vartkessian, declare as follows under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I have served as a mitigation specialist on Welsey Purkey's defense team since October 2014. I filed a previous declaration in this case on June 30, 2020.
2. Steven Markle contacted me on Thursday, July 9, 2020 at approximately 10 am EST. We spoke for nearly 20 minutes. Mr. Markle explained that he was the Crisis Support Team Leader and in that capacity he would be the person making sure that witnesses to the July 15, 2020 'event' would be taken care of. Although Mr. Markle never referred to the 'event' as the execution of Mr. Purkey, I understood it to be the euphemism he used to describe the execution.
3. Mr. Markle wanted to know if I had decided to attend the execution. I explained that I had given birth to my first child on July 3, 2020 and had not yet decided what to do. I informed Mr. Markle that I wished to proceed as if I would attend though I still was not sure. I noted that I would decide on Monday evening because I would have to drive from my home in Baltimore, Maryland to attend and the drive, according to Google Maps, appeared to be about 10-11 hours.
4. Mr. Markle explained the process for witnesses attending the execution. Two members of the Crisis Support Team would be available to Mr. Purkey's witnesses throughout the day. Two of his team members would be assigned to us and they would be with us the entire time. Mr.

Markle specified that we would have one male and one female with us throughout the afternoon. These officers would be responsible for transporting Mr. Purkey's witnesses in a van and staying with us in the staging area, which Mr. Markle indicated would be in an indoor space. I asked if it would be possible not to be indoors in advance of the execution. I explained that I was very concerned about being in a poorly ventilated space for an hour or so before the execution. Mr. Markle said that he would look into it.

5. I asked if I could bring my own personal protective equipment. Mr. Markle explained that I would be required to wear a mask furnished by BOP and would need to sign a paper affirming that I would keep the mask on. Mr. Markle said that a face shield, a hospital gown, gloves, and personal hand-sanitizer would be provided to me as well.

6. Temperatures would be checked at the front of USP before going to the staging area.

7. Mr. Markle explained that we would also be provided a bottle of water. For such 'events' they would normally provide coffee and other refreshments but due to COVID they would not be doing so on this occasion.

8. We would not be allowed to bring in any other personal items. Mr. Markle believed we would be provided a writing tablet and pen to use to take notes.

9. I asked about the possibility of bringing in medication and whether there would be a way for me to pump breast milk since it sounded like I would be out there for several hours. Mr. Markle said he would run that question up the chain. I have not yet been provided an answer to these questions.

9. I am medically vulnerable to COVID-19.

10. My daughter arrived 27 days prior to her due date. She was preterm and is therefore more vulnerable to infections and other illnesses than a full term baby. According to the literature all babies are at heightened risk of severe illness from COVID-19.

11. In considering whether I would attend the execution I started looking at travel options. My husband agreed to drive me and our daughter to Terre Haute if I decided to go. We planned to leave early Tuesday morning in order to limit the number of places we needed to spend the night. We expected to spend the night at a hotel on Tuesday and Wednesday nights.

12. I planned to bring as much food with us as possible so we would not need to stop to eat.

13. It was our intention that my husband and daughter would stay at the hotel until I returned from the execution. I did not want them going to another location while waiting for me.

14. I have been leaning in the direction of attending the execution. I feel a deep sense of obligation to be present with Mr. Purkey as he leaves this world. I have been a member of his defense team for nearly six years and in that time I have come to know him well. I know his

family and friends. I view it as central to my role as a member of his defense to be a witness for him in his last moments of life.

15. Mr. Winter's declaration has heightened my concerns about the risk to my own and my family's safety if I attend Mr. Purkey's execution. I do not want to die because I fulfilled my professional and personal obligation to bear witness to Mr. Purkey's execution. Nor do I want my daughter or husband to die if I contract the virus and pass it on to them. Mr. Markle acknowledged as much on our call when he stated that I needed to put my health and that of my family first in my decision whether to attend the event.

I declare under penalty of perjury that the foregoing facts are true and correct.

Dated: July 12, 2020

A handwritten signature in dark ink, appearing to read "E. Vartkessian", written over a horizontal line.

Elizabeth Vartkessian, Ph.D.